VIRGINIA:

IN THE CIRCUIT COURT OF HENRICO COUNTY

ALLEN V. JAFFE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	CL02-1729
RONALD MARK LANDESS, DPM,	)	
	)	
Defendant.	)	

FINAL ORDER

On August 22, 2003, came plaintiff Allen V. Jaffe, *pro se*, and defendant Ronald M. Landess, by counsel, on the Special Plea, Motion for Sanctions, and Motion to Compel and for Sanctions filed by defendant Ronald M. Landess and on the Motion to Disallow Defendant's Request for Admissions and Motion for Protective Order of plaintiff Allen V. Jaffe, all of which were duly noticed for hearing;

It appearing from a review of a certified copy of the Court's file introduced into evidence in this proceeding that plaintiff Allen V. Jaffe has previously filed an action styled Jaffe v. Virginia PhotoTherapy, LLC, No. CL01-1543, that such action was dismissed with prejudice by Order dated April 9, 2002, and that Jaffe failed to appeal such decision; and

It appearing from a review of a certified copy of the Court's file introduced into evidence in this proceeding that plaintiff Allen V. Jaffe has previously filed an action styled Jaffe v. Virginia PhotoTherapy, LLC, No. CH01-1438, that such action was dismissed with prejudice by Order dated March 8, 2002, and that Jaffe failed to appeal such decision; and

It appearing from a review of a certified copy of the Court's file introduced into evidence in this proceeding that plaintiff Allen V. Jaffe has previously filed an action styled Jaffe v. Virginia PhotoTherapy, LLC, No. CL01-2094, that such action was dismissed with prejudice by Order dated August 8, 2002, and that Jaffe failed to appeal such decision; and

It appearing from a review of a certified copy of the Court's file introduced into evidence in this proceeding that plaintiff Allen V. Jaffe has previously filed an action styled Jaffe v. Virginia PhotoTherapy, LLC, No. CL02-1730; that such action was dismissed with prejudice by Order dated January 24, 2003 on the basis that the claims and causes of action asserted therein were barred by the doctrine of res judicata by virtue of the final adjudications referred to above; that Jaffe attempted to appeal such decision to the Virginia Supreme Court; and that by Order dated June 25, 2003, the Virginia Supreme Court denied his Petition for Appeal and by Order dated September 12, 2003 denied his Petition for Rehearing; and

In connection with this ruling, the Court receives into evidence the certified copy of the

Virginia Supreme Court's September 12, 2003 Order denying Jaffe's Petition for Rehearing and dismissing his appeal of No. CL02-1730; and

It appearing to the Court that all of the above referenced actions arose from the same hair removal treatments provided by Virginia PhotoTherapy, LLC which form the basis of the subject action; and

It appearing to the Court from the Stipulation of the parties introduced into evidence in this proceeding and the exhibits thereto that at all times relevant to this action defendant Ronald M. Landess has been the sole member and manager of Virginia PhotoTherapy, LLC; and

It appearing to the Court from a review of the allegations of the Complaint herein that each of the claims and causes of action asserted against defendant Ronald M. Landess have been previously asserted against Virginia PhotoTherapy, LLC, in one or more of the above-referenced actions; and

It appearing to the Court based upon all of the foregoing that defendant Ronald M. Landess is in privity with Virginia PhotoTherapy, LLC for purposes of the Court's consideration of the defendant's Special Plea of res judicata herein; and

It appearing to the Court that each of the elements of res judicata has been proven by defendant Ronald M. Landess;

Upon consideration of the foregoing findings and the authorities cited by defendant in memoranda in support of his Special Plea, and for

the reasons stated in the Court's opinion letter dated September 17, 2003, it is hereby ORDERED that the defendant's Special Plea be sustained and that this action be DISMISSED WITH PREJUDICE; and that

Defendant's Motion to Compel and for Sanctions pursuant to Rule 4:12(c) and Motion for Sanctions pursuant to Virginia Code § 8.01-271.1 be DENIED; and that

Plaintiff's Motion to Disallow Defendant's Request for Admissions and Motion for Protective Order be DENIED.

There being no further motions or matters requiring consideration by the Court, this matter shall be placed by the Clerk among the ended cases.

ENTER: [October 20, 2003]

[Judge Gary A. Hicks]
Judge